

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(WESTERN DIVISION)

**BRIAN BENOIT, Individually and on Behalf of
All Other Persons Similarly Situated,
Plaintiffs,**

v.

**TRI-WIRE ENGINEERING SOLUTIONS, INC.,
Defendant**

IMPORTANT NOTICE
OF LAWSUIT

**TO: ALL CURRENT OR FORMER TRI-WIRE TECHNICIANS WHO WERE PAID
PIECE RATE (BY THE JOB) AND WORKED AT ANY TIME SINCE AUGUST 10, 2005
TO THE PRESENT**

**RE: YOUR RIGHT TO JOIN A LAWSUIT SEEKING TO RECOVER UNPAID
OVERTIME COMPENSATION**

1. WHY YOU ARE GETTING THIS NOTICE

The purpose of this Notice is to inform you that there is a lawsuit regarding overtime pay that you may be eligible to join, to inform you how to join the lawsuit, and to advise you of how your rights may be affected by the lawsuit. This Notice will also inform you how your overtime rights under Federal Fair Labor Standards Act (the FLSA”) may be affected by this lawsuit. This Notice will also inform you how to join the lawsuit if you want to participate.

2. DESCRIPTION OF THE LAWSUIT

A lawsuit has been brought by Plaintiff, Brian Benoit, individually and on behalf all other persons similarly situated, against Tri-Wire Engineering Solutions, Inc. in the United States District Court for the District of Massachusetts (the case number is 07-CV- 30237).

Plaintiff worked for Defendant as a Technician and his duties and responsibilities included the activation and/or installation of telephone, cable and internet equipment and services. Plaintiff claims that Tri-Wire paid him piece rate (by the job) but failed to pay him overtime compensation in violation of federal and state law.

PLAINTIFF IS SEEKING:

- (1) overtime compensation owed from August 10, 2005 to the present;
- (2) “liquidated damages” (double the amount of allegedly unpaid overtime); and
- (3) attorneys’ fees and costs.

Defendant denies that Plaintiff and/or other Technicians were not paid overtime compensation for hours they worked in excess of forty hours per week, denies that Plaintiff and/or other Technicians are owed additional overtime compensation, and denies that it is liable to Technicians for back pay, liquidated damages, attorneys’ fees or costs.

3. WHO CAN JOIN THE LAWSUIT

In order to participate in the lawsuit you must meet the following criteria:

- current and/or former Technician of Tri-Wire;
- work or worked for Tri-Wire **at any time** from August 10, 2005 to the present; and
- are or were paid piece rate (by the job).

This Notice is to locate persons who wish to join this case and may be eligible to join this case. Your right to participate in this suit may depend upon a later decision by the Court that you and the representative Plaintiff(s) are similarly situated in all material respects.

4. HOW TO JOIN THIS LAWSUIT

Enclosed is an Opt-In Consent Form and pre-addressed stamped envelope. If you want to join in this lawsuit, you must complete and sign the Opt-In Consent form and fax or mail it to Plaintiff’s lawyers:

**Jeffrey S. Morneau, Esquire
Donohue, Hyland & Donohue, P.C.
1707 Northampton Street
Holyoke, MA 01040
Tel: (413) 536-1977
Fax: (413) 538-7138**

It must be postmarked by the United States Postal Service or faxed on or before [whatever 60 days is from the time the defendants produce contact information]. If your completed Opt-In Consent Form is not postmarked or faxed on or before that date, you may not be allowed to join this case. If you choose not to join this lawsuit, you are free to hire your own lawyer and/or file your own lawsuit.

5. THE IMPORTANCE OF DECIDING PROMPTLY

The statute of limitations limits a person's rights to recover unpaid overtime compensation to the two (or, in some cases three) year period preceding the date on which the Opt-In Consent Form is filed with the Court.

Therefore, because the passage of time may result in part or all of you claim being barred by the statute of limitations, if you wish to participate in the lawsuit, it is important that you date, sign, and fax or mail the Opt-In Consent Form as soon as possible, but in any event before August, 2008.

6. NO RETALIATION IS ALLOWED

You will not be discharged or retaliated against for participating in this lawsuit. In fact, it is a violation of federal law for Tri-Wire or any of its related entities to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this case. If you believe that you have been discriminated against or disciplined in any way as a result of your receiving this notification, considering whether to join this lawsuit or actually joining this lawsuit, you may contact Plaintiff's lawyers or any lawyers of your choosing.

7. EFFECT OF JOINING THIS SUIT

If you choose to join in this lawsuit, you will be bound by any rulings, judgments, or settlements whether they are favorable or unfavorable. In other words, if you join this lawsuit it will determine your rights. If you join this lawsuit, you are designating Plaintiff's lawyers to represent you for all purposes of the lawsuit. Further, you are also designating the Class Representative(s) as your agent(s) to make decisions on your behalf concerning the litigation, including attorneys' fees, and you may be required to provide some information relating to this case.

The attorneys for the Plaintiff and the Class are being paid on a contingency fee basis, which means that if there is a recovery, they will receive a part of any settlement obtained or money judgment entered in favor of all members of the Class, or their fees will be paid by Defendant if the Court so orders. You will not be individually responsible for attorneys' fees or costs. Any payment of attorneys' fees will be approved by the Court.

If you do not join in this lawsuit, you will not be entitled to any settlement that may be reached or judgment that may be awarded.

8. NO LEGAL EFFECT IN NOT JOINING THIS SUIT

If you choose not to join this lawsuit, you will not be entitled to share any of the overtime compensation recovered in this case, should there be a recovery. You will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable. You will be free to file your own lawsuit with a lawyer of your choosing. The pendency of this current lawsuit, however, will not stop the running of the statute of limitations as to any overtime claims you might have unless you opt-in to it. In other words, you may lose some or all of your rights if you do not act now and return either the Opt-In Consent Form.

9. FURTHER INFORMATION

Further information about this Notification or the lawsuit can be obtained from Plaintiff's lawyers:

**Jeffrey S. Morneau, Esquire
Donohue, Hyland & Donohue, P.C.
1707 Northampton Street
Holyoke, MA 01040
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THIS NOTICE AND ITS CONTENT HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT; HON. KENNETH P. NEIMAN, CHIEF UNITED STATES MAGISTRATE JUDGE FOR THE DISTRICT OF MASSACHUSETTS.

THE COURT HAS TAKEN NO POSITION REGARDING THE MERITS OF PLAINTIFF'S CLAIMS OR OF DEFENDANT'S DEFENSES.

PLEASE DO NO CALL OR WRITE TO THE COURT OR THE JUDGE ASSIGNED TO THIS MATTER. THE COURT CANNOT ANSWER QUESTIONS CONCERNING THIS LAWSUIT OR THIS NOTICE.